

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri G.Prabhakar Rao, S/o G. Ganapati Rao, R/o Visakhapatnam, against the proceedings Rc.No.5666/1993-C1, dated 06.07.2017 of the District Collector, Srikakulam, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) - Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.MS.No. 72

Dated: 01-06-2018
Read the following:

1. Proceedings of the District Collector, Srikakulam, Rc.No.5666/1993-C1, dated 06.07.2017.
2. Appeal petition filed by Sri G.Prabhakar Rao, S/o G.Ganapati Rao, R/o Visakhapatnam, before the Hon'ble M(SWE&TWE), Endt No.788/SW&TW/2017, dated 21.11.2017.
3. Govt. MemoNo.878815/CV.2/2017,dated 22.11.2017.
4. Govt. Memo No.878815/CV.2/2017, dated 31.01.2018.
5. From the District Collector, Srikakulam, Lr.Rc.No.5666/1993 C1, dated 16.02.2018.
6. Govt.MemoNo.878815/CV.2/2017,dated 20.03.2018.
7. Written arguments filed by the appellant, through his Counsel before the Appellate Authority on 07.04.2018.

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ORDER:

In the reference 1st read above, the District Collector, Srikakulam has issued orders cancelling ST-Konda Kapu caste certificate obtained from the then Mandal Revenue Officer, Palasa in the year 1985 by Sri Gopiseti Prabhakara Rao S/o Ganapathi Rao.

2. In the reference 2nd read above, Sri G.Prabhakar Rao, S/o G.Ganapati Rao, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Srikakulam. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Srikakulam in the reference 3rd read above.

3. In the reference 5th read above, the District Collector, Srikakulam has furnished the Parawise remarks on the Appeal Petition filed by Sri G.Prabhakar Rao, S/o G.Ganapati Rao.

4. The said Appeal Petition has been posted for hearing on 16.12.2017, 17.02.2018 & finally on 07.04.2018 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 3rd, 4th & 6th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the reference 7th read above, the appellant has filed written arguments through his counsel, before the Appellate Authority at that time of hearing scheduled on 07.04.2018.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Srikakulam and proceedings of the District Collector, Srikakulam dated 06.07.2017 the Appellate Authority is observed that :

- I. The appellant in his grounds has stated that the appellant was born on 01.06.1966 to Sri G.Ganapathi Rao and Smt. Shakuntala who

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belongs to the caste of 'Konda Kapu' in ST community Kasibugga of Srikakulam District and was brought up in the same family. Further he has stated that in the School record i.e. TC, his caste recorded as Konda Kapu and the same was verified by Sr.Loco Inspector Sri N.M.Das.

- II. The District Level Scrutiny Committee has observed that the Superintendent of Police, Srikakulam in his letter dated 19.09.2006 has reported that the appellant is the native of Gottipalli village of Narasannapeta Mandal and as per the enquiry in presence of some villagers of Gottipalli (V), Narasannapeta Mandal and Panchayat Secretary, it was revealed that the surname "Gottipalli" belongs to 'Telaga' but not 'Konda Kapu' (ST) and no such person in Konda Kapu(ST) in that area. Further, Dy. Director, Social Welfare, Srikakulam in his letter dated 15.05.2015 has reported that the appellant have obtained "Konda Kapu' ST certificate from the Tahsildar, Palasa in the year 1985 by misrepresenting the facts and finally opined that the fore fathers of the appellant originally belongs to Telaga caste. The Dy. Director, Tribal Welfare, Seethampeta in his letter dated 28.04.2015 has reported that as per the school records obtained from the Head Master, Railway Mixed High School, Palasa and as per the report of Sarpanch and other village elders of Gottipalli village of Narasannapeta Mandal, the appellant is not a resident of Gottipalli village of Narasannapeta Mandal and also there are no 'Konda Kapu' (ST) community families in the village of Gottipalli village of Narasannapeta Mandal. Before the DLSC, the appellant has failed to produce any independence/ oral evidence and also documentary evidence to establish the appellant's ST-Konda Kapu community claim. Based on the findings of the DLSC, the District Collector has cancelled the appellant's caste certificate.
- III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.
- IV. The Appellate Authority is observed that during the course of hearing of the case, the appellant submitted his arguments as per his grounds in appeal petition has stated that the lower authority failed to observe that his father caste enquired and further there are several enquiries with regard to his caste after his employment and ultimately confirmed that they belong to Konda Kapu and the lower authority mechanically issued proceedings canceling the caste certificate. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any evidence that he belongs to ST Community and further observed that earlier school record of appellant and local enquiry and caste of his relatives indicates that the appellant does not belongs to Konda Kapu(ST) as claimed by him. It is further brought to the notice that the certificate earlier issued to the individual in a routine manner and the same was cancelled after conducting detailed and thorough enquiry into the caste status of the individual. As per the act, the burden of proof lies on the appellant, thus it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case that the appellant except relaying the evidence filed before the lower authority failed to produce any additional material for re- appreciation of the case. As seen from the record the lower authority passed the order after

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reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, Srikakulam District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri G.Prabhakar Rao, S/o G.Ganapati Rao, does not deserve any interference. Hence, Proceedings of the District Collector, Srikakulam issued vide Rc.No.5666/1993-C1, dated 06.07.2017, is hereby upheld and the Appeal Petition filed by Sri G.Prabhakar Rao, S/o G.Ganapati Rao, is hereby dismissed and the Certificate issued by the then Mandal Revenue Officer, Palasa is deemed to be cancelled.

7. The District Collector, Srikakulam is directed to take necessary consequential action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector, Srikakulam. (BY RPAD)

Sri G.Prabhakar Rao,
S/o G.Ganapati Rao,
R/o 783, Wireless Colony,
Railway Quarters, Allipuram,
Visakhapatnam- 530004.

Sri V.Venkateswar Rao, Advocate,
Flat No.205/A, Surya Towers,
Malkajigiri, Takadia diagnose compound,
Hyderabad – 500047.

The Senior Divisional Engineer (HQ),
East Coast Railway,
Waltair, Visakhapatnam. (BY RPAD)

Copy to :

The Director, TCR& TI, AP, Amaravathi.

The PS to M(SWE& TWE).

The PS to Principal Secretary(SW&TW)

// FORWARDED:: BY ORDER //

SECTION OFFICER